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09/392,585	09/09/1999	THIERRY DESLANDES	Q055716	1444

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 01/16/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

54

# Office Action Summary

Application No.

09/392,585

Applicant(s)

DESLANDES ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This Action is in response to the Request for Reconsideration received 19 October 2001.
2. The application has been examined. **Original claims 1-12** are pending. The objections and rejections cited are as stated below:

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Horbal et al. (Horbal), U.S. Patent No. 5,237,506.

5. Regarding **claim 1**, Horbal discloses *a process for monitoring the consumption of a plurality of franking machines through a public communication network, at least one of the franking machines being electrically isolated from the public communications network* (Horbal teaches a mechanical meter portion (20) that is connected to a resetting device. The resetting device (26) attaches to the exterior of the mechanical meter portion. The communications unit (27) is separate from the meter portion and the resetting device. It communicates by a cord (45) to resetting device, and it connects the telephone line (33)), [see Horbal, Col. 5, lines 24-68 and Col. 6, lines 1-68], *(Examiner is using Applicant's arguments as a guide in interpreting the claim language (see paper 21, page 2), where Applicant states that the particular franking machine is not connected to a network. This would be akin to having a PC that does not have a modem, and therefore, is electrically isolated from the internet), the process comprising the*

Art Unit: 2152

*steps of: first establishing a link with a management server (Horbal teaches a meter unit is in communication with a communication unit via a communication cable. The communication unit is responsible for communicating with a remote host computer by its modem, receiving information from the user via the keypad, providing information to the user via the display, and forwarding information to the meter unit via cable. When the meter unit has received from the host, via the communication unit, an authorization input that it recognizes as valid because it contains the correct combination the CPU begins the routine of resetting the registers), [see Horbal, Col. 6, lines 18-68] through the public communications network [see Horbal, item 34], via at least one supervision terminal [see Horbal, item 27] (Again, Examiner is using Applicant's arguments as a guide in interpreting the claim language (see paper 21, page 2), where Applicant states that the particular franking machine is not connected to a network. This would be akin to having a PC that does not have a modem, and therefore, is electrically isolated from the internet), that is independent of the isolated franking machine [see Horbal, items 20 and 26], in accordance with a protocol of communication and subsequently proceeding with an exchange of data between the supervision terminal and the management server [see Horbal, Col. 7, lines 5-60] during which a user (1) acquires at the supervision terminal current invoicing index indicative of the isolated franking machine and (2) receives a code of authorization to frank in order to validate the subsequent frankings of the isolated franking machine [see Horbal, Col. 7, lines 5-61]. By this rationale **claim 1** is rejected.*

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2152

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horbal in view of Moss et al. (Moss), U.S. Patent No. 5,485,370.

8. Regarding **claim 2**, Horbal discloses the invention substantially as claimed. However, Horbal does not explicitly disclose wherein the protocol of communication used for establishing a link with the management server is a Videotex protocol, such as a teletel protocol.

9. In the same field of endeavor, Moss discloses (e.g., performing financial and other transactions through the computer network). Moss discloses *wherein the protocol of communication used for establishing a link with the management server is a Videotex protocol, such as a teletel protocol* [see Moss, Abstract, Figure 1, item 2a].

10. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Moss's teachings of performing financial and other transactions through the computer network, with the teachings of Horbal, for the purpose of updating information through a computer automatically. By this rationale **claim 2** is rejected.

11. Regarding **claim 3**, Horbal-Moss further discloses *wherein the protocol of communication used for establishing a link with the management server is a protocol of TCP/IP type* (The Examiner takes (**Official Notice** (see MPEP 2144.03)), that it was well known in the networking art at the time the invention was made to have utilized TCP/IP as the protocol to establishing link with a management server. Since Horbal suggest motivation to do so by utilizing the Kermit protocol as a means for transmitting packets by way of Kermit protocol [see

Art Unit: 2152

Horbal, Col. 10, lines 20-27]. See also prior art of record Sharma, Col. 2, lines 2-4, as it clearly states that a Kermit communication protocol may be written to interface correctly with a TCP/IP transport stack/driver. By this rationale **claim 3** is rejected.

12. Regarding **claim 4**, Horbal-Moss further discloses *wherein said step of exchange further comprises the user entering into the supervision terminal all identifier including at least one of a password and a personal identification number* [see Horbal, Col. 8, lines 1-44]. By this rationale **claim 4** is rejected.

13. Regarding **claim 5**, Horbal-Moss further discloses *wherein said step of data exchange further comprises displaying, at the supervision terminal (1) a list of printing heads associated with the plurality of franking machines and (2) for each printing head, a last in voicing index validated by the management server* (The Examiner takes **Official Notice** (see MPEP 2144.03)). By this rationale **claim 5** is rejected.

14. Regarding **claim 6**, Horbal-Moss further discloses *wherein said step of data exchange further comprises displaying, at the supervision terminal, one of a selectable plurality of tables and statistics in graph form relating to the list of printing heads* (The Examiner takes (**Official Notice** (see MPEP 2144.03))). By this rationale **claim 6** is rejected.

15. Regarding **claim 7**, Horbal-Moss further discloses *wherein the code of authorization to frank comprises information indicative of one of (1) an authorized maximum amount of credit, (2) an authorized maximum amount of consumption, (3) a period of franking* [see Horbal, Col. 10, lines 27-68 and Col. 11, lines 1-30]. By this rationale **claim 7** is rejected.

16. Regarding **claim 8**, Horbal-Moss further discloses *wherein the code of authorization to frank is obtained by calculation from one of the current invoicing index and a serial number of a*

Art Unit: 2152

*printing head* (**Official Notice** is taken (see MPEP 2144.03)). By this rationale **claim 8** is rejected.

17. Regarding **claim 9**, Horbal-Moss further discloses *wherein the code of authorization to frank is obtained by calculation from a current data* [see rejection of claim 9, supra]. By this rationale **claim 9** is rejected.

18. Regarding **claim 10**, Horbal-Moss further discloses *wherein the code of authorization to frank is obtained by calculation from information indicative of (1) a maximum amount of credit, (2) a maximum amount of authorized consumption, and (3) an authorized period of franking* [see Horbal, Col. 10, lines 27-68, Col. 11, lines 1-30, 55-68 and Col. 12, lines 1-25]. By this rationale **claim 10** is rejected.

19. Regarding **claim 11**, Horbal-Moss further discloses *wherein the protocol of communication used, for establishing a link the management server is a protocol of telephonic communication of a vocal synthesis* [see rejection of claim 1, supra, Horbal, Col. 14, lines 24-29]. By this rationale **claim 11** is rejected.

20. **Claim 12** is substantially the same as claim 1, and is thus rejected based upon similar reasons as those in rejecting claim 1.

### ***Claim Rejections - 35 USC § 102***

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2152

22. **Claims 1-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson, U.S. Patent No. 5,701,250.

23. Regarding **claim 1**, Wilson discloses a process for monitoring the consumption of a plurality of franking machines through a public communication network, at least one of the franking machines being electrically isolated from the public communications network, the process comprising the steps of: first establishing a link with a management server (see Wilson, item 19) through the public communications network (see Wilson, item 20), via at least one supervision terminal (see Wilson, item 18) that is independent of the isolated franking machine (see Wilson, item 11), in accordance with a protocol of communication and subsequently proceeding with an exchange of data between the supervision terminal and the management server [see Wilson, Col. 3, lines 13-67] during which a user (1) acquires at the supervision terminal current invoicing index indicative of the isolated franking machine and (2) receives a code of authorization to frank in order to validate the subsequent frankings of the isolated franking machine [see Wilson, Col. 4, lines 26-68]. By this rationale **claim 1** is rejected.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. **Claims 1-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Eckert, Jr. et al. (Eckert), U.S. Patent No. 4,097,923.

25. Regarding **claim 1**, Eckert discloses a process for monitoring the consumption of a plurality of franking machines being electrically isolated from the public communications



Art Unit: 2152

network, the process comprising the steps of: first establishing a link with a management server (item 5) through the public communications network (item 4), via at least one supervision terminal (item 3) that is independent of the isolated franking machine (item 34), in accordance with a protocol of communication and subsequently proceeding with art exchange of data between the supervision terminal and the management server during which a user (I) acquires at the supervision terminal current invoicing index indicative of the isolated franking machine and (2) receives a code of authorization to frank in order to validate the subsequent frankings of the isolated franking machine [Col. 6, lines 5-37, Col. 7, lines 20-68, Col. 8, lines 1-39, Col. 21, lines 20-68, Col. 22, lines 59-68, Col. 23, lines 1-67]. By this rationale **claim 1** is rejected.

***Response to Arguments***

26. Applicant has had numerous opportunities to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

27. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the

Art Unit: 2152

disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

28. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the applicant in the response and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

#### ***Prior of Art Record***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Emmett et al. (Emmett), U.S. Patent No. 6,019,281, discloses a postal security device that may communicate with a base unit (supervisory terminal) using a non-contact interface such as an inductive pickup connection, an infrared light or RF interface, or the like.

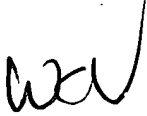
#### ***Conclusion***

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7238 for After-Final communications, (703) 746-7239 for Official communications and (703) 746-7240 for Non-Official/Draft communications.

Art Unit: 2152

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



*WCV*  
*Patent Examiner*  
*Art Unit 2152*  
*January 10, 2002*



MARK H. RINEHART  
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